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PRODUCTS, INC.
7

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 Jeanne Burns, individually and on behalf
12 of all others similarly situated,

13 Plaintiff,

14 v.

15 Tristar Products, Inc., a Pennsylvania
16 Corporation, and Does 1 through 50,

17 Defendant.
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CASE NO. 14-cv-00749-JAH-DHB

Hon. John A. Houston
Courtroom 13B

**DEFENDANT'S NOTICE OF
MOTION AND MOTION TO
DISMISS THE COMPLAINT**

[Fed. R. Civ. P. 12(b)(1)]

Date: June 16, 2014
Time: 2:30 p.m.

Action Filed: April 1, 2014
Trial Date: None set

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on June 16, 2014 at 2:30 p.m., or as soon thereafter as the matter may be heard before the Honorable John A. Houston, located at 333 West Broadway, San Diego, California 92101, Defendant Tristar Products, Inc. (“Defendant”) will and hereby does move to dismiss the Complaint filed by Plaintiff Jeanne Burns (“Plaintiff”), pursuant to Federal Rule of Civil Procedure 12(b)(1). This Motion is made on the grounds that Plaintiff lacks standing under Article III of the United States Constitution to assert claims for injunctive relief because there is no likelihood that Plaintiff will suffer a future injury.

This Motion is based on this Notice of Motion and Motion, the concurrently filed Memorandum of Points and Authorities, all other pleadings, records, and papers filed in this action, and upon such matters as may be presented to the Court at the hearing on this Motion.

DATED: April 17, 2014

VENABLE LLP

By: /s/ Jennifer Levin

Jennifer Levin
Melissa C. McLaughlin
Attorneys for Defendant TRISTAR
PRODUCTS, INC.